## First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 619

AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 4-21.5-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The office of environmental adjudication is established to review, under this article, decisions agency actions of the commissioner of the department of environmental management, actions of a board described in IC 13-14-9-1, and challenges to rulemaking actions by a board described in IC 13-14-9-1 made pursuant to IC 4-22-2-44 or IC 4-22-2-45.

- (b) The office of environmental adjudication shall:
  - (1) conduct adjudicatory hearings required to implement:
    - (A) air pollution control laws (as defined in IC 13-11-2-6), water pollution control laws (as defined in IC 13-11-2-261), environmental management laws (as defined in IC 13-11-2-71), and IC 13-19; and
    - (B) rules of:
      - (i) the air pollution control board;
      - (ii) the water pollution control board;
      - (iii) the solid waste management board; and
      - (iv) the financial assurance board; and
    - (C) agency action of the department of environmental management; and
  - (2) notify a board referred to in subdivision (1)(B) of a final order

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of the office of environmental adjudication that interprets:

- (A) a rule of the board; or
- (B) a statute under which a rule of the board is authorized.

SECTION 2. IC 4-21.5-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. An environmental law judge is the ultimate authority under this article for reviews of decisions agency actions of the commissioner department of environmental management, actions of a board described in IC 13-14-9-1, and challenges to rulemaking actions by a board described in IC 13-14-9-1 made pursuant to IC 4-22-2-44 or IC 4-22-2-45.

SECTION 3. IC 4-21.5-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) An environmental law judge hired after July 1, 1995, and the director must:

- (1) be attorneys admitted to the bar of Indiana;
- (2) have at least five (5) years of experience practicing administrative or environmental law in Indiana;
- (3) be independent of the department of environmental management; and
- (4) be subject to all provisions applicable to an administrative law judge under this article.
- (b) The director or an environmental law judge may be removed for cause under:
  - (1) this article;
  - (2) IC 4-15-2, through application of the standards for removal for cause of a person in the state service (as defined in IC 4-15-2-3.8); or
  - (3) applicable provisions of the code of judicial conduct.
- (c) The director may appoint a special environmental law judge. The special environmental law judge must meet the requirements of subsection (a).

SECTION 4. IC 14-10-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The commission shall appoint administrative law judges. An administrative law judge:

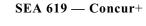
- (1) is subject to IC 4-15-2; and
- (2) may be removed for cause under:
  - (A) IC 4-21.5;
  - (B) IC 4-15-2, through application of the standards for removal for cause of a person in the state service (as defined in IC 4-15-2-3.8); or
  - (C) applicable provisions of the code of judicial conduct.

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- (b) The commission shall create a division of hearings. The division of hearings shall assist the commission in performing the functions of this section. The director of the division of hearings may appoint a special administrative law judge.
  - (c) A person who is not appointed by:
    - (1) the director of the division of hearings; or
    - (2) the commission;

may not act as an administrative law judge. The commission may create a division of hearings to assist in performing the functions of this section.

SECTION 5. IC 25-17.6-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. If requested, an administrative review of a determination made by the board under IC 25-17.6-3-7, IC 25-17.6-4, or IC 25-17.6-8-1 shall be conducted before an administrative law judge appointed by the natural resources commission or the director of the division of hearings under IC 14-10-2-2.

SECTION 6. IC 25-31.5-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. If requested, an administrative review of a determination made by the board under IC 25-31.5-3, IC 25-31.5-4, or IC 25-31.5-8 shall be conducted before an administrative law judge appointed by the natural resources commission or the director of the division of hearings under IC 14-10-2-2.

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President of the Senate	
President Pro Tempore	_ C
Speaker of the House of Representatives	O
Approved:	p
Governor of the State of Indiana	

